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**SEP 23 2004**

**OFFICE OF PETITIONS**

In re Application of  
Bamji, et al.  
Application No.: 10/823,415  
Filed: April 12, 2004  
Attorney Docket No.: 34270/US/2/TAL/VEJ  
For: METHOD AND SYSTEM TO  
DIFFERENTIALLY ENHANCE SENSOR  
DYNAMIC RANGE

DECISION REFUSING STATUS  
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed August 23, 2004 (certificate of mailing date August 18, 2004).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on April 12, 2004 without an executed oath or declaration. On June 25, 2004, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed. This Notice required petitioners to file an executed declaration, filing fees, and a surcharge for their late filing within two months of the mail date of the Notice.

The present petition was timely filed in response. Petitioners submitted filing fees, a surcharge, a declaration executed by 3 of 4 joint inventors, the instant petition, and petition fee. A statement of facts by Attorney Victor E. Johnson accompanies the petition. Attorney Johnson explains that the non-signing inventor, Xinquiao Liu, was successfully mailed a copy of the application as filed and that Dr. Liu constructively refused to execute the enclosed declaration despite several attempts to obtain Dr. Liu's cooperation.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. It is noted that each joint inventor's residence and post office address is all the same. Given the fact that Dr. Liu no longer works at Canesta, Inc., it is assumed that he does not receive mail at the same address as the other joint inventors.

The available inventors must execute a new declaration that lists the residence and most recent home address or mailing address for Dr. Liu. MPEP 605.03.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Dr. Liu is REQUIRED. See MPEP 409.03(a).


Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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Telephone inquiries should be directed to the undersigned at (703) 308-6712.

  
E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions